P.F. 33 of 97.

G. R. S. IX-5]

1897-98

Previous references.

File No. 156-5 of 97

191 .

Serial Nos. 1—8

(L.R)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—8.

Major. ~~Part~~ B for May 1898.

SUBJECT.

Appeal of Gurmukh Singh, Ahlmad Lr. re. his claim for a Share in the Lots Inam land &c.

Countermarked. MK.

W D 1250—GPB—30,000 - 28-1-19

Before the Government of Mysore.

Appeal No. 21 of 97-98

Appellant.	Vs.	Respondent.
Nrg.mti Gowra		Loli Samga

Appellant-in-person. Notice served
Advocate by Sri B. Srinivasaiya
Respondent-in-person
Order reserved
11/12/97

Adjourned to 1/12/97
Secretary to Govt.

R/D 6.30 Pm
1.12.97

Mark of Loli Samga.

16-12-97

2

Sub to 3rd Council

Mn 15/12/97

3 47

Appeal No 21 of 1897-98.

Appellant:—
Gurunna of Mangar
Anekal Taluk.

Respondent:—
Sankanna of the same
village.

This is an appeal against the order of the Deputy Commr of Bangalore dated 4th May 1897, affirming the Divisional Officer's order to the effect that the Toti Inam lands at Mangar which are in the appellant's possession should be made over to the Respondent.

The facts of the case are briefly as follows:— The appellant and the Respondent

are distant cousins and ——
respectively,
held the offices of Mirpanch
and Lohi, ~~respectively~~, of
Ittanagar. Apparently each
being the founder of the
office held by the other,
they have been enjoying,
in equal shares, the inam
lands attached to both
the offices. Previous to 1888
they used to pay the Jodi of
the lands in accordance with
their enjoyment, but since
then they have been paying the
Jodi of the inams attached
to their respective offices. At
the survey settlement which
was introduced in 1891
the extent and assessment
of

of the two Inams were fixed as noted below:—

Toli Inam

Survey No.	Total extent	Total assessment	Total G.-t
	A. G.	Rs.	Rs
1, 8, 30 and 64.	10-30	26-0-0	8-11-6.

Nirpanti Inam.

23, 25, 39 and 66	4-20	14-4-0	2-14-6.

In 1874, the Respondent complained of the enjoyment by the appellant of half of the Toli Inam lands and ~~the lands~~ the stated that after the Survey settlement he himself did not interfere with the Nirpanti Inam lands. The appellant urged that he and his ancestors being hereditary to the Toli office,

office
were entitled to, and did,
enjoy, half of the Zoti dues,
and accordingly enjoyed
it for a very long time.
But both the Divisional
Officer and the Respondents
have decided that the parties
should enjoy the lands assigned
to their respective offices.

On 25th September 1883,
Respondent - Sambuga presented
a petition to the Amildar
stating that he and his
Nisedar Gurunna were respectively
doing the duties of Zoti and
Nirgandi of the village, that
each of them
each, has, from the beginning,
paying half of his dues
to the other, that at the
instigation of some persons
Gurunna

annual
Gyanna refused to pay the
moiety of the Mires to him (Ali)
though he got half of the
Zoti Miras, and that both
of them were gratis. He
prayed that the Hispanti
Bay might be directed to
pay him the usual share of
the Miras.

On 28th September 53, both
the parties agreed before
the Amildar that there was
no dispute between them
as they had made an amicable
settlement to the effect that
they should change their
offices every four years, that
they should divide the Miras
of the offices equally between
them, and that they

should enjoy, as per Award, their respective shares of Inam lands and pay ~~the~~ godi of their shares, ie, each one half.

× ×

On 24th Idem the Amildar examined the parties and the village Patil. In reply, to the question whether he at any time performed the Nirgunti duties and received a share in the Zoti or Nirgunti Inam, Zoti Sambya stated that the Zoti and Nirgunti Inam lands had been divided between them, that about 8 or 10 years ago they used to enjoy the Inams equally. that subsequently Gurava alone usurped the Nirgunti office and enjoyed Inam without

× ×

On 18th October 83 Sambya presented another petition to the Amildar complaining that Gurava failed to abide by the terms of the agreement.

dinant- & giving any share to him (Gole), though he was getting a share of the Gole Fines. Ganesa stated that he and Sankaya never held each other's offices by rotation & enjoyed any share of each other's Fines but they only enjoyed halves of each other's service Inams. The Patel of the village corroborated the first part of Ganesa's statement.

On 27th Idem, Subbanna Shanbhog of the village deposed as follows:— "It is mentioned in the accounts that the village has one Gole and one Nirgadi. The Jamabandi accounts show that the

Joti and Kirjanti Inams are
separate from each other.
But the two persons have divided
both the Inams equally between
the members and pay Jodi equally.
But with regard to the duties, the
Joti discharges the Joti duties
and Kirjanti the Kirjanti
duties. . . . . [20]

In submitting the matter
to the Dy Commr, the Amildar
stated that from the* Vatans
accounts prepared in the
year Krodhana (1865-66), it appeared
that the Joti and Kirjanti
enjoyed the Inams of their
respective offices but enjoyed
the Inams of both the offices
in equal shares and paid
the Jodi equally; and that the
Joti

* Vide Amildar's report
No 681 of 14.11.83.

* Note:- The Inam Joti Cowkhi
for 1863-64 in the records of this office
has been obtained and put
up with the record. It gives in
detail the Inam lands and
Inams of Joti & Kirjanti, but
is silent as to Kirjanti's en-
joyment of Joti Inam and
Vice Versa.

Toti was not entitled either to share the Virpanchi Mirasi or to hold the Virpanchi office by turns. Thereupon the Dy Commr (Col. Francis Tice) rejected× Sambuga's request on the ground that it was against Inam and directed that the Inam disputes should be settled at the time of Survey.

× Vide order No 4-257 20.11.83.

In March 1874, Toti Sambuga presented a petition to the General Assistant-Commr stating that he held the Toti office of Ittangur, that the Toti Inam lands were in his khate, that he alone was paying the whole Jodi for the last 5 years

but that the Nirganti was enjoying half of the lands. He prayed that the lands in Nirganti's possession might be restored to him. The petition was forwarded for disposal to the Amildar who called for a detailed report from the Shekdar.

On 5th July, 94, the Shekdar submitted the Tapsil Patti prepared by Shanbhoj Venkatesh-aiya stating the Soti and the Nirganti being gratis land. been enjoying for a long time both the Soti and Nirganti Inams in equal shares, and were paying their Soti in the same manner, till 1888 when on the complaint of Soti Santaya, the

the Amildar gave a verbal order that each item might be permitted, the Jodi in the land in his Patti, that since then Samaya and other (landlords) were paying the Jodi of the Lakhmam and Gamma was paying that of the Nirpanti Inam, and that the Inams were exempt as per Kamil.

In the meanwhile Samaya presented a petition to the Amildar a petition similar to that which he presented to the Assistant Commr. Upon this the Amildar passed an order to the effect that there was no reason for the Nirpa.

No 1307 of 30.6.94.

to enjoy the lands given to the Toki, that he should be told to establish his right, if he had any, by a regular revenue suit, and not to interfere with the lands.

On 15th July, 94 the Sheikh reported that he communicated the above order to both the parties and showed them their respective lands, that the Toki had not interfered with the Kirpanis Ag. Inam lands and that the latter had interfered with the former's lands.

In the meanwhile, Gurma having presented a petition urging his claim to a share of the Toki Inam lands, the

Sheikh
Amd

and stating that the matter was disposed of by the Dy Comm in 1883, the Amildar ordered that finding final rates on production of the order of 1883 by the Nirpanti, he should be permitted to cultivate the disputed lands.

In August 94, Sambaya preferred an appeal to the Divisional Officer against the above order. He deposed that he was ignorant of the true extent of the Toti and Nirpanti Inams, that he was under the impression that the lands in his enjoyment were the Toti Inam lands,

Vide order No 90 of 26.7.94.

× The depositions of the parties & the Shanbhag purport to have been recorded before the General Assistant-Commr, but the fact has not been certified by that officer.

that after the Survey measure-
ment the cancelled trees
which were the Topi Inam lands
and which the Nirpanti lands,
that since then he did not
interfere with the Nirpanti
lands, that previous Survey
he was paying a jodi of Rs 6,
and after the Settlement he
has been paying the
whole of the Topi Inam jodi
viz. Rs 9, and that the
Topi Inam lands in dispute
possession since he restored
to him. Gurava Male
that he and Santaya
were Panchas that the lands
were divided between their
ancestors ~~the~~ 100 years ago
that

each was paying the Jodi of the lands in his enjoyment, up to the Survey Settlement, that since then he paid the Jodi of the Kiyai Imam and Sambuya that of the Toli Imam, and that as he had been enjoying the lands for a very long time he was not willing to give them to Sambuya.

In reply to the Assistant Commr's query as to what Settlement was made at the time of Survey, the Amildar reported that the question of right to the Imam lands was not then decided

On 15th June 1895, the Divisional

Divisional Officer, Mr. Coffin-
Lamb-Vaidya passed the
following order :--

"The disputed Inami
lands are given for the
service. It is but reasonable
that each should enjoy the
Inami lands granted for
his service. As Nirgudi
does not allow the Toli
to do the Nirgudi work in
turn or give his Hirade, there
is no reason why the Toli
should forego his land. It
is a fact that Toli sus-
tains loss by paying assess-
ment for the lands which
are being enjoyed by the
Nirgudi. As the Toli has
much

much more land to do than Nirgandi, more land seems to have been granted to him for his service. Considering that this matter will have to be disposed of by the Survey Department, the Deputy Commr did not pass any final order on the subject in the year 1883; but nothing has been done about this during the Survey Settlement.

" Under these circumstances and under those detailed in the Memo, I direct the Tali Sambaya and Nirgandi Gauna should enjoy the lands assigned to

their services as noted in the margin and to pay the Jodi amount as per Survey Settlement."

On 15th August 1895, Nirgunti Sambaya preferred an appeal to the Deputy Commr against the above order, saying that his great grandfather Giriya held both the offices of Joti and Nirgunti and enjoyed the above lands and Inams, that after his death his sons Daiya (Appellant's grandfather) and Dasoda Maniya became the Nirgunti and Joti respectively that subsequently, Sambaya's Sada father came to Maniya stating himself to be a Dayadi and began to do the Joti duties with

+ Joti lands.

Survey No	extent A. g.	assessment Rs
1 dry	2 – 38	7 – 0 – 0
8 wet	0 – 20	3 – 0 – 0
30 "	0 – 33	4 – 0 – 0
64 dry	6 – 19	12 – 0 – 0

Nirgunti lands

23 wet	0 – 5	0 – 12 – 0
28 "	1 – 3	6 – 0 – 0
39 "	0 – 20	2 – 8 – 0
66 dry	2 – 32	5 – 0 – 0

within him, that agreement between themselves they divided the Toli and Nigganti lands equally, that such being the case, Toli Sandanga frequently claimed to get the lands but in his enjoyment, that the claim was rejected in by the Dy Comm^r in 1883 and that the Amildar and the Survey Officer failed to refer to the Jhadti accounts of Virodhi, Khati, Amidhara, Parmeswari and Anavla (1857-58 & 1873-74) the statements and accounts prepared at the time of the Inam Settlement in 1872-74, and the Kulam accounts of 1867.

On 4th May 1877, the Deputy Comm^r (Mr V. N. Narasimhayya

Note:— The accounts referred to in this petition do not seem to have been sent for and perused by the Dy Comm^r. They are not received with the records from the Deputy Comm^r.

passed the following order:—

or

\+ + + +

As the parties are mixed up with one another in point of relationship, it appears that the Petitioner and his wife continued in possession of a half of the Ioti Inam land, whilst the Counter Petitioner enjoyed the remaining moiety, <u>viz.</u> a half of the Nirgunti Inams. The records do not shew whether there has been any such mutual participation in the duties of each office. It may however be safely taken for granted that the dispute does not extend to all the duties appertaining to the Joti & Nirgunti.

Santaya

Sambaji does the Joti service, whilst Gurunna is the Nirgunti de facto.

"It is an axiom of the village autonomy that the lands which form the emolu-ments of each office should follow the service. It would be an intolerable anomaly if the Joti service was performed by an unremunerated person, while the recognized Inam lands attached to the office were enjoyed by another not doing that work.

× × × × ×

"The Nirgunti is enjoying ½ of the Joti Inam lands, without doing the Joti duties or paying any portion of the Joti

thereon.

"The order of the Division Officer Mr Coposami Naidu is therefore a proper corrective the usual file of Manual and prescription are urged by the Petitioner's Advocate, but Service lands follow a course different from what applies to private unconditioned property.

"The appeal is accordingly rejected with costs."

The present appeal of Gurunatha Goud is against the above order. The grounds of appeal are,

(1) that the Dy Commrs proceedings

proceedings are opposed to paras 3 and 4 of Section XLIII of the Revenue Rules and Sections 200 to 206 and Section 221 of the Land Revenue Code;

(2) that the Dy Commr erred in saying that the records did not show whether there had been any such mutual participation of the * duties of the offices, since he failed to notice the accounts & pleas in the appeal petition presented to him; and

(3) that the Dy Commr ought to have set aside, as ultra-vires, the Divisional Officer's order and referred

* Note:- The Dy Commr refers to the participation of the duties of the offices, and not of their shares.

the Courts is a regular suit, & the Collector-officer has no power under the Land Revenue Rules to entertain and dispose of in the summary side, the long standing dispute regarding the hereditary rights to Inam Lands.

S.V.
20/11/97.

The appellant's (& vakil his pleader's) objections & the procedure seem to be groundless.

The said Rs Rules or the Code do not cancel the Government Notf.n dt 5/9/35 which was re-affirmed in Rule XXXVI of the Pooja Rules as well as in para 5 (a) of Rule XLIII of the L R Rules.

~~The regulation~~ There is nothing in the Code or

Rule requiring 27 Hyde a reasonable
time shall not take
notice of alienations of lands
from lands under the
persons affected by the alienation
brings a regular suit

The last paragraph of sec. 221 (a) of
the rules framed under it
may perhaps be susceptible
of improvement. In fact
a draft regulation under
sec. 221 (a) was published
in the Gazette in 1895 but it
became of no force not be known:
and the rule under the sec.
is under discussion in
a different case.

The object of sec. 221 (a) appears
to be mine to prohibit the
civil courts from taking
cognizance of certain matters
than to lay down the
substantive and effective
law for the guidance
of the Revenue Courts.

For instance, sec. 221 (a)

† Even under the present practice
no suit is brought in cases coming
under clauses (b), (c), (d), (e) (f) and (g)
of sec. 221.

prohibits civil courts from entertaining "any suit to set aside or avoid any order ... which may be passed by SoS or any officer duly authorized on their behalf."

Get Northey is more clear than that such suits cannot be instituted in a Revenue Court (though the Sec^n emphatically says they can't) & there is a ruling to that effect.

The argument has proceeded on the assumption that the question is one of alienation of Sevia Sram's land to the appellants but I don't contend that he is enjoying the lands by virtue of relationship to the Toki (respondent). Para 4 of the Commissioner's notice of 1835 (Page 56 Rev Manual) makes a special exception in the case of Shambogue Sevia Sram Lands which might be held on Shanbogue tenure by the hereditary incumbent (who seems to be a cleared better proof) but does not mention other Sevia Sram lands. This was reaffirmed in Rule XXVIII of the Rules

(1) A patel is removed for an ordinary enquiry

(2) A Sevia Sram is removed on account of the non-performance of service & if in such cases suits are instituted, it cannot be only by a perversion of procedure the proper Court being an appeal to higher authority or where there is no higher authority a petition

but omitted in the case of Shambogue patel & in the case of Kuppam Village Lands. My 23/11/97

29

Petn. No. 2533 from Sandbach
Tobi of Hanover, Auckland Tk.

How

Why was the original
arrangement under
which Each paid the
Jude on the Canal
when assignment
Changed in 1888?
Returned in the Office
on Monday

R 22/4/89

V
23/4/89

The Rev Counalla, Eastern Dn desires
that this application for review
may be placed before the 2nd Counalla
He thinks that, as no reference is made
in the Govt order as to the Jude to be paid
same be cleared up.

28/4/90

29/4/90

29/4/90

2/5/90

Reider

Appeal against Revenue Divisional Officer's order

Received 16/8/97

Petitioner

16/8/97

72 Rs stamp affixed

(1) Petition filed 16/8/97

Notice to the effect that the order of the Dy Collr dated 10/8/97 will be produced within the 14 days

Asst Collr

R. 266-97-1

20/8/97

Petitioner present

16/8/97

Records called for from the Revenue Divisional Officer Kallakurichi

2-9-97

Petitioner

2/9/97

1) In time (The order appealed against was received on 6/8/97 but for various differences it was returned)

2) Stamp sufficient

3) Appeal against Dy Collr's order directing that the Asst Collr's order directing that the Notice issued by the Navigation Inam Lands vested in the Navigation Dept be made over to the Dept

4) Appears to be a contested case

The principal point of appeal is that the Local Officer did not hold a formal enquiry before passing the order

also prays for stay of execution of order pending disposal of appeal

Records have been requested for from the Revenue Divisional Officer Kallakurichi

Petitioner present

Heard Counsel on both sides

4/9/97

R.O.

4/9

D 3/3

1897

No. 4572 A.M. 2/1 9.7.98

Name of Petitioner: Gilmore

Village: Kottaipalayam

Taluk: Kallakurichi

District: Salem

Date of Arzi: 9/7 August/97

Date of Receipt: 10/7 August/97

Date of Disposal:

No. of Enclosures: Nil.

ABSTRACT.

Petition appeal against the Dy Collr's order No. 15 dated 6.8.97 confirming the order of the Revenue Officer Kallakurichi refusing Petitioner's application for stay of execution of the order dated 10.8.97 pending disposal of appeal

Note: The appeal petition and statement of facts filed by the Petitioner and the counter statement filed by the Respondent are not found in the records

10 The Dy Collr's order dated 10/8/97 that the anomalous practice whereby the Navigation Dept

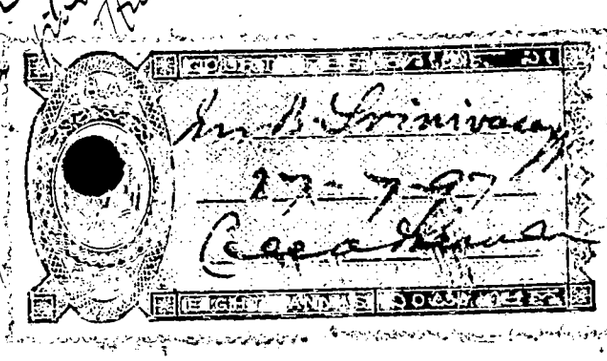
been enjoying a portion of the Dobi
Jhum lands without paying any
portion of the Jodi thereon or doing
any portion of the Jobi's duties
was rightly stopped by the
Asst Comm'r's order & that the
Pet'r's arguments about
manual & prescription were
inadmissible in a matter
affecting the devolution or
enjoyment of Jhum
Lands

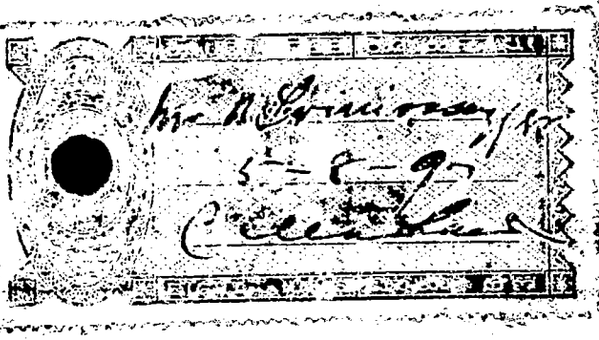
No. 452

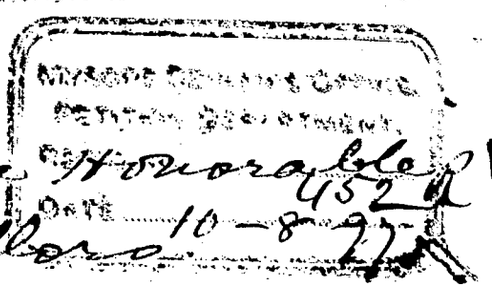
Insufficient Stamp affixed
11/10/97

Presented for admission on a plain paper by Vakil's order
Stamp & Petition to be returned
11/10/97

Presented by
Vakil on
Defects as noted
Stamp & petition to be returned
Vakil's order
11/10/97







In the court of the Honorable
Councillors
Government of Mysore.

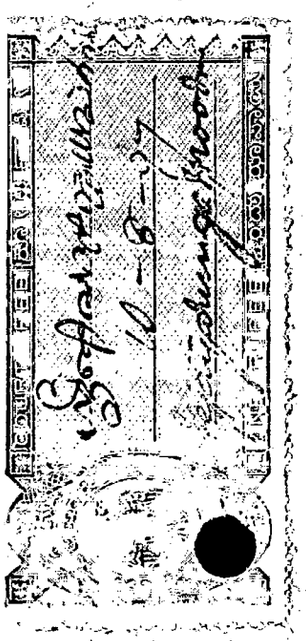
Rev: Jris: 2nd appeal No 452 of 1897-98

Appellant & Respondent

Gurura. Shamboga

The appellant, above named, most humbly begs to prefer this 2nd appeal, against the judgment of the Deputy Commissioner, of the Bangalore District in Rev: Jris: apl No 18 of 1895-96, confirming the order of the Division officer, Mr. Cuppuswamy Naidoo, in Rev: Jris: case, No 1009 of 18th June/95, for the following, among other, reasons, Viz:—

I That the proceedings of the Deputy



Deputy Commissioner are obviously
wrong, as they are contrary
to the provisions, contained in
sub sections 3 and 4 of the Mysore
Land Revenue Rule XLIII, and
sections 200 to 206, and also
section 221 of the Mysore Land
Revenue Regulation IV of 1888.

II That the Deputy Com-
missioner has erred, in saying
in his judgment, that the
records do not show, whether
there has been any such
mutual participation of the
Inamdar of the Zoley & Accaganti
officers, since he has failed to
notice the accounts quoted
in the appeal petition presented
to him.

III That the Deputy Com-
missioner, without going to
the merits of the case, in so
summary a manner, as he
has now done, ought to have
simply set aside, as ultra-vires,

the order made by the Division officer, and referred the parties to a Regular Suit, as required under the Law, quoted above in para 3 saying that the Division officer had no power under the Land Revenue Rules to entertain & dispose of, in the summary side the long standing dispute between the parties, as regards their hereditary rights to the Inam lands claimed by them.

IV. For these reasons, the Appellant humbly prays that the order of the Deputy Commissioner may be annulled, & the Appellant restored to "status-quo" till the Respondent has established his right, to oust the Appellant, in due course of law.

V That the Appellant also prays that the enforcement of the order, under appeal, may be stayed pending disposal of this appeal, as provided under Sec 216 of the Land Revenue Code.

Dated 5th August 1897.

O. Krishnaswamy Iyer
Advocate.
for the Appellant

Petition received & registered 9/8/97.

Pet
Log

13-9-97

(3)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT. 21

27

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 452 dated 9-8-97

received at the Dewan's Office from

Inhabitants of Hanna in village
Singapura Kobli, Anekal Taluk
appealing against the order
of the Deputy Commissioner dated
4-8-97 confirming the order
of the Asst Commissioner directing that
the Tota Inam lands enjoyed by
the Nirganti should be made over
to the Tota

is forwarded, together with its Two enclosures, to the Deputy Commissioner of the Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

L.R 166-97-2

By order,

for Chief Secretary.

BANGALORE,

11/9/ 1897

7/9/97

M.G.C.P.B.—25-4-95—1,000

L.R. 166-97-3

n/e Encl 38

3rd-11-97 (38)

Refs putup.

AR (3/11/97.

Colonial Office
Nov 3 1897

This has been ordered to be posted — L.R. 186-97-4

1) Prepare press

2) Acknowledge in duplicate

WL 10/11/97

Rec'd 11/11/97

Blank Telegram for the 3rd (Wednesday)

3-11-97

Case Hankow-Ruled
& Ref'd Should

WL 23/11/97

Gen. 31]

(4)

REVENUE DEPARTMENT
GL 3077
NOV 97
EWAN'S OFFICE

Ref 219

189- 8

39

From Acting Consul Bruce Hankow

To The Secretary to the Govt of Province Res Hupeh Ports

Dated 28th October

Despatched 30th

Received

General No.

No. 530.

Enclosure No. one file

Govt No. Memorandum Re Rice & Co 8-15th Sept 97

Returns on Petition from Inhabitants of Province Village, Scripture Lecky, Removal Salt

Petition 2/11/97

3/6

D. No 530.

Enc: One file.

Bangalore district
Dy. Commissioner's Office
Bangalore, 25th October 1887.

30 ½

To The Secretary to the Govt. of Mysore
Revenue and General Depts.

Sir,

In reply to Government Official Memorandum No. Rev. 404 of the 13th September 1887, forwarding for report with records, petition from Veerapanti Gurava of Attagur village in the Bangalore Hobli of the Anekal Taluk, complaining that the Inam lands attached to the Patelship of the village and enjoyed by him, was ordered to be made over to the Talari, I have the honor to state as follows:—

1. The petitioner Gurava and another, Rambooga are Cousins. The former is the Veerapanti and the latter the Talari of the Attagur village. The Inam lands allowed for each office had not been separated before the Survey Settlement. It appears from the records that both

* Enclosures returned herewith.

Garawa and Shamboga, as also their ancestors, were jointly looking after the two ajhaintments and equally sharing the inirasi and paying the Jodi of the Inam lands. In 1853-54, Shamboga brought a complaint against Garawa, stating that the latter refused to give his share of the inirasi and prayed that the shares of the two ajhaintments ought be separated and the Jodi Inam lands given him. The then Deputy Commissioner ordered that the matter could be settled during the Survey settlement and that in the meantime Shamboga's request could not be granted.

3. Shamboga seems to have complained to the Amildar to the same effect in 1883, and the Amildar appears to have orally ordered that Shamboga might pay the Jodi of the Jodi Inam lands. Since then Shamboga is paying the Jodi of the Jodi Inam lands and Garawa the Jodi of

the Veergunt Inam Lands - the extent of Inams allowed for each appointment was determined during the Survey Settlement as noted in the margin (vide Parrett No 2, Jafasee (Patte of Shendrapékata Sabbaiya)

4. Lr. Lt. Col. Rambaga represented to the 2nd Assistant Commissioner that though the Patta of the Inam Land was in his name, and he was paying the Jodi thereof, Surwa was enjoying half of his Inam Land, and requested that his Inam Lands might be restored to him.

5. The 2nd Assistant Commissioner examined the Shenbog

Toti Inam Lands

Survey No	Extent Acres. Guntas	Assessment Rs. as. ps.
1	2 - 38	7 - 0 - 0
3	0 - 20	3 - 0 - 0
30	0 - 33	4 - 0 - 0
64	6 - 19	12 - 0 - 0
Total	10 - 30	26 - 0 - 0

Amount of Jodi payable . . . 6 - 8 - 0
Local cess . . . 1 - 10 - 0
Irrigation cess . . . 0 - 9 - 6
Total Jodi — 8 - 7 - 6

Veergunt Inam Lands.

Survey No	Extent Acres. Guntas	Assessment Rs. as ps.
23	0 - 5	0 - 12 - 0
28	1 - 3	6 - 0 - 0
39	0 - 20	2 - 8 - 0
66	2 - 32	5 - 0 - 0
Total	4 - 20	13 - 4 - 0

Amount of Jodi
payable . . . 1 - 8 - 0
Local cess . . . 0 - 4 - 3
Irrigation cess . . . 0 - 9 - 3
Total Jodi 2 - 15 - 6

and the parties and ordered that
Tot Sambooga and Neelgunti
Guruva should enjoy the lands
assigned for their services, and pay
the Jodi as determined by the Survey
Settlement.

6. Guruva then appealed to this office
After enquiry, the late Deputy Com-
-missioner, Mr. T. V. Varasimmiyangar
was of opinion that the 2nd Assistant
Assistant Commissioner's order
was very equitable and therefore
upheld the same. Guruva's present
appeal to Government is against
this order.

7. The records of the case are
herewith submitted.

I have the honor to be,
Sir,
Your most obedient Servant,
V. Venkataswamy
Deputy Commissioner.

Mys

(5) 2 Drafts

Proceedings of the Govt of Bombay

L.R. 166—97—5

Read:—

(1) Petition of appeal presented by Nirpanti Ramaya of Attagiri Anekal Taluk, against the order of the Dy Commr of Bangalore affirming the order of the Divisional officer regarding the enjoyment of the Zoti and Nirpanti Inam of the village.

(2) Letter No 5-30 dated 25th October 1897 from the Dy Commr Bangalore District, reporting on the above petition

(3) Records of the case, from which the facts appear to be briefly as follows:—

Ramaya and Santaya are respectively the Nirpanti

and Loti of Ittangur. They have been, for a long time, enjoying in equal shares the Inam lands assigned to both the offices, the particulars of which according to the Survey Settlement of 1871 are, as noted in the margin. Prior to 1888, they used to pay the Jodi of the lands in accordance with their enjoyment, but since then they have been paying the Jodi of the Inams attached to their respective offices. In 1894, Samba complained that though he was the Loti of the village and paid the entire Jodi of the Loti Inam lands which [illegible] in his hand, the Nirganti

× Loti Inam

S. Nos.	Total Extent	Total Assessment	Total Jodi
1, 8, 30 & 64.	A. G. 10-30.	Rs 28-0-0	Rs 8-11-6

Nirganti Inam

23, 28, 39 and 66.	4-20.	14-4-0	2-15-6

enjoyed half of the land. Ipuran
urged that he and Sambuya
were cousins, that they and
their ancestors had been
enjoying equally the Inam
land attached to both the
offices, for about the last
ten years
and that he was willing to
pay half of the profit of each
Inam. The Divisional Officer
held that as the disputed land
had been given for service, it
was reasonable that each
should enjoy the Inam land
granted for his service, and
directed that the Koli and
Kirgami should enjoy the
lands assigned to their respective
services. On appeal, the Dy.
Comm-

Commissioner affirmed the above order. Since the second appeal by Garrwa.

(328)

Order No. 6182-91. 8/11/98
0233-97 11/14

The existing enjoyment is very old. It is not quite proper to regard such enjoyment as an act of alienation. Both the parties belong to the same caste and it is not unlikely that they are relations. The exact particulars of such relationship and the evidence to prove them are very difficult to procure and establish. On the whole it seems to be equitable to continue the present enjoyment, and declare

declare the lands in their individual enjoyment to be their respective shares of the assessment and rate.

Draft-

10-1-98

For Consideration.

Subd.
May this be granted?

C 1/2.

To

The Deputy Commr
Bangalore District, Tumkur
" Dy Commrs of other districts & Secrets.
" Supdt, Mysore Rev Survey
" Supdt in Mysore.
" Dy Secretaries

18/12/97.

RD 30/12

11-1-98

Recorded Sept 24/1/98

49

Proceedings of the Government of Mysore, Petition, dated 11th January 1898.

READ:—

(1) Petition of Appeal presented by nirganti Guruva of Ittangur, Anekal taluk, against the order of the Deputy Commissioner of Bangalore, affirming the order of the Divisional Officer regarding the enjoyment of the toti and nirganti inams of the village.

(2) Letter No. 580, dated 23rd October 1897, from the Deputy Commissioner, Bangalore district, reporting on the above petition.

(3) Records of the case from which the facts appear to be briefly as follows:—

Guruva and Sambuga are respectively the nirganti and toti of Ittangur. They have been, for a long time, enjoying in equal shares the inam lands assigned to both the offices, the particulars of which according to the Survey Settlement of 1891 are as noted in the margin. Prior to 1888, they used to pay the jodi of the lands in accordance with their enjoyment, but since then they have been paying the jodi of the inams attached to their respective offices. In 1894, Sambuga complained that though he was the toti of the village and paid the entire jodi of the toti inam lands, the nirganti enjoyed half of the lands. Guruva urged that he and Sambuga were cousins, that they and their ancestors had been enjoying equally the inam lands attached to both the offices, for the last 100 years, and that he was willing to pay a half of the jodi of each inam. The Divisional Officer held that as the disputed lands had been given for service, it was reasonable that each should enjoy the inam lands granted for his service, and directed that the toti and nirganti should enjoy the lands assigned to their respective services. On appeal, the Deputy Commissioner affirmed the above order. Hence this second appeal by Guruva.

Toti Inam.

Survey Nos.	Total extent A. g.	Total assessment Rs. a. p.	Total jodi, Rs. a. p.
1,3,30 & 64	10—30	26 0 0	3 11 6

Nirganti Inam.

23,28,39 & 66	4—20	14 4 0	2 15 6

No. 6182-91—Pet. F. 33-97, DATED BANGALORE, 11TH JANUARY 1898.

ORDER THEREON.—The existing enjoyment is very old. It is not quite proper to regard such enjoyment as an act of alienation. Both the parties belong to the same caste and it is not unlikely that they are relations. The exact particulars of such relationship and the evidence to prove them are very difficult to procure and establish. On the whole, Government consider it to be equitable to continue the present enjoyment, and declare the lands in their individual enjoyment to be the respective inams of the nirganti and toti.

C. SREENIVASIENGAR,
Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Bangalore District, with records.
The Deputy Commissioners of other Districts.
The Superintendent, Mysore Revenue Survey.
The Inam Superintendent in Mysore.

Exd.—R.A.R.

1897-98

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 11*th January* 1898

No. 6182-91
Pet. F. 33-97

Declaring the lands in the individual enjoyment of nirganti Guruva and toti Sambuga of Ittangur, Anekal taluk, to be their respective inams.

M.G.C.P.B.—9-2-98—125

References

15/4/98

2022 of 97 R. 233 of 07

Issd 15/4/98. The above file relating to the subject is put up

AK 15/4/98

Subject: L.R. 166-97-7

(1) Application for review of Govt order ~~confirmed~~ dated 11.1.98 in No 6182-91 (Serial No 6) P.T. 33.97

(2) Stamp sufficient

15.4.98

(3) In time - allowing 7 days for the ent & receipt

(4) Counsel case

The facts of the case are given in the papers annexed. The petn was heard by the Councillors before the order complained of was passed.

The petr's request that he should get half the mirasi fees & the inamdar's that he should be allowed to create an mirasi allowance are matters which should be represented to the Govt in the first instance. The request & lower pecuniary fees to the ex-patel should be considered by the Govt.

Entered

M. 16/4/98

(7)
1898

S 2

No. 2533

Name of Petitioner Sanniga, son of

Village Singur

Taluk Anekal

District Bangalore

Date of Arzi 13.4.98

Date of Receipt 13.4.98

Date of Disposal

No. of Enclosure One

ABSTRACT

With reference to this office cmt No 403 of 98, dated 13.4.98, forwarding the petn of the respondent in the case, praying for a revisal of the said order on the following grounds:—

(1). That while both before and after the survey settlement, Sebrate and his ancestors were recognised by the offices of the Inamdar and Sirkar as and enjoyed accordingly, it is now for the Govt to consider whether it is just that the Inamdar should be allowed to enjoy half of the Sirkar land assessment belonging to the Govt (the petr)

(2) That ~~the Govt~~ that Govt: price loans are inalienable a fact in petr's favour.

(3) That the extent of loan repaid and the amount of Jodi paid by the respective holders of loans (Nirgunti and Dhoti) should be taken into consideration.

(4) That the petr has been having his full share of Jodi (P. L. & J.) notwithstanding the fact that only half of the loan is being enjoyed by Nirgunti who pays only Rs 3-4-0 as Govt Jodi

(5) That as the Govt: have recognised the claim of the Nirgunti to half the share in the Dhoti loan on account his being the petr's cousin, it stands to reason that all the emoluments pertaining to both the offices should be equally divided between the two.

Further prays that he may be allowed to enjoy his full Dhoti Inami or that he may be permitted to share the incomes of both the offices equally with the Nirgunti or that the two may be allowed to work by turns as Nirgunti and Dhoti respectively.

Enclosure.

This office Cert: No 452 dt 5/10 - - 1898.

14/4/98

OFFICE OF THE
11 JAN. 96
D. VALLEY

54

By Order

Sd/- K. Rajaiah Reddy

for Secretary

By Order

for Secretary

Copied

Bln.

5-5-98

(8)

1898 56

From

The Secretary to Govt
General and Rev Depts

To

L.R. 166-97-8

The Deputy Commissioner of
Bangalore

Dated 4th

Despatched 5th May '98

Received

General No. 10605-p
Pol. No. 33-97

(358)

Enclosure No.

In forwarding herewith
petn no 2833 dated 13.4.98
of Sanchaya Patti of Hangu
village in the Anekal Tk,
praying for remission of Govt
order no 6188-91 dated 11.1.98
P.R.3397 and consequent of
in respect of the Patti land
Migrant Service Inamland
of the village, I am
hon to invite the attention
of the Dy Comr to the statement
of the petnr that he is paying
the full assessment of Rs 88-11-6 entire
on the Patti
Service Inamland not-
withstanding the fact
that half of it is in the
occupancy of the Migrant

who pays is only Rs 3-0 being
the fard on the Miyanti lands, and to observe
that the imposition of
the fard should follow
the incidents of enjoyment
This was what was meant
by Rent
and the question was not
directly raised and was
not therefore expressly
decided in Rent Pro. No.

6182-91
P.J. 33 of 97 of 11-1-98.

By order

C2
28.4.98

for Secretary.

2/5/98